
BZA-1843
TRI TECH CONSTRUCTION SERVICES, INC.
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Joseph T. Bumbleburg, is requesting a special exception to permit a general contractor (SIC 15) to have an office and equipment storage for a business in the A zone primarily engaged in the off-site construction of industrial buildings, warehouses, and nonresidential buildings such as commercial, institutional, religious and amusement recreational buildings. The business would operate Monday through Friday, 7:00am to 4:00pm with isolated Saturday work being emergency driven. The site is the former Aretz Airport located on 5.8 acres at 40 Aretz Lane, Fairfield 11(NW) 23-4.

AREA ZONING PATTERNS:

The site is zoned A, Agricultural and is surrounded on the north, west and south sides by R1 zoning; I2 zoning is located to the east (Z-2257). In 1998, the ABZA granted a special exception for a motor freight transportation and warehousing business (BZA-1490). The next year another special exception was filed for an expansion of this use but was denied by the Board (BZA-1516). A third special exception for a miscellaneous repair shop (SIC 7699) was filed but then withdrawn by that petitioner before the public hearing.

AREA LAND USE PATTERNS:

The site was most recently home to Miller Trucking. This business utilized 7 hangers from the former airport; the proposed business will also use these buildings and all work will be indoors. A handful of single-family homes currently exist to the southwest, but most of them have been purchased by INDOT for the Hoosier Heartland Highway. South of the site are mining and hauling operations (Irving Materials and Fox Hauling). The portion of this property closest to the subject site has also been purchased by INDOT for the highway. East of the site is Roadworks, a manufacturing facility; north across CR 300 N are a church, gas station/convenience store and several single-family homes.

TRAFFIC AND TRANSPORTATION:

The site has access to CR 300 North. Petitioner's representative has indicated that most of the traffic generated will use the eastern driveway but some will occasionally use the western driveway (Aretz Lane).

The petition states that the amount of traffic expected is less than that permitted under

the previously approved special exception, which was 30 vehicles per day. The 15 employees will drive their own vehicles to the subject site and then take company vehicles to the job sites. Company vehicles will be a mixture of ¾ ton trucks, pick-up trucks, vans and cranes. On rare occasions, deliveries will be made by UPS trucks. Traffic counts taken in 2008 on CR 300 N indicate that more than 3,400 vehicles pass this site daily.

Parking standards for this use are 1 space per employee on the largest shift plus 1 space per 200 square feet of office, sales or similar floor area. With 600 square feet of office space and 15 employees on the largest shift, 18 parking spaces are required. While adequate room appears to exist onsite no parking spaces have been delineated. Parking spaces in the A zone do not have to be paved.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by well and septic.

UZO 4-9-9 requires landscape bufferyards and opaque fencing for general contractors in the A zone when materials and equipment will be stored outdoors. However, petitioner plans on storing everything indoors so no buffering is required. The previous special exception required buffering, so bermed landscaping exists on the northeast and southwest edges of the site.

STAFF COMMENTS:

Aretz Airport was in operation at this location for more 50 years before it closed in the late 1990's. In 1998, a special exception was granted to Miller Trucking for a motor freight transportation and warehousing business. At that time neighbors expressed concern regarding the number of tractor trailers located outside of the buildings. The Board and staff imposed several conditions on the approval including limiting the number of tractor trailers allowed outside, curtailing visibility to nearby residences by way of bufferyards and requiring access to CR 300 North via a new easement on the east side of the property opposite CR 350 East.

The following year after the original approval petitioner requested another special exception (BZA-1516) to expand the previous approval to include the storage of motorcycles, buses, cars, boats, motor-trailers and other miscellaneous vehicles. At this time it was noted that several complaints from neighbors had been made centering on the number of trailers visible to neighbors, the hours during which semis were arriving and departing, and the lack of the Board required bufferyards (which were later installed). This second special exception was also filed to help clarify what, when and where vehicles could be parked. After much discussion by the Board, County officials and petitioner, the request was denied. A third special exception (BZA-1517) was filed to allow a miscellaneous repair shop and related services (SIC 7699) but was withdrawn before the public hearing.

Miller trucking operated for the next 12 years but closed its doors recently. Now, Tri Tech Construction Services, Inc. would like to locate here and operate a business

primarily engaged in the construction of industrial buildings, warehouses, and nonresidential buildings such as commercial, institutional, religious and amusement recreation buildings. The petition states that there will be no onsite construction work because materials will be transported to the job sites. The petitioner also claims that less traffic will be generated by this use than Miller Trucking and that the proposed use is not as intense. Miller Trucking was permitted to have semis returning to the site 24 hours per day; a condition of this request will limit the hours of deliveries to 7:00am to 4:00pm. The 15 employees will drive their own vehicles to the business and then leave for the job site in company vehicles. On occasion, UPS deliveries may be made by truck.

Some notable changes have occurred in the area since the first special exception was granted including a successful rezone to I2 for the property adjacent to the east. This business called Roadworks stores, designs and manufactures stainless steel parts for semi-trucks (only loading/unloading is permitted outside). The Hoosier Heartland Highway is planned for the land directly south of the site in question. Right-of-way has been purchased and construction on this portion of the highway is anticipated to begin next year. As part of this highway project, 7 of the 9 single-family homes on Aretz Lane (immediately southwest of the subject site) have been purchased by the State.

Staff will support light manufacturing zoning when city utilities are extended to serve the area. The proposed use of a general contractor is appropriate provided that the number of trucks entering and leaving the site is less than that of Miller Trucking (fewer than 30 per day) and no outdoor storage is allowed. The bufferyards have matured to provide better screening to the residences to the north. Staff also feels that access to the county road should be restricted to the east entrance furthest away from the SR 25 intersection.

At its meeting on November 16, 2011, The Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize a special exception for this use (SIC15) in the Agricultural district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Because there is no outdoor storage, no buffering is required by the UZO even though it exists from the previous user.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. While many complaints about the former operation were received in its first few years of operation, in later years no complaints were ever

filed. Since the proposed use will be less intense, staff does not believe that this use will subvert the ordinance.

4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: The petition states that the anticipated traffic will be less than what was allowed under the previous special exception (fewer than 30 vehicles per day).
 - b. Placement of outdoor lighting: Only security lighting is proposed and should not be intrusive to the surrounding uses. Additionally, the mounded bufferyards installed over 10 years ago have matured enough to adequately shield residences on the north side of CR 300 N.
 - c. Noise production: Because no construction will occur onsite, trucks and equipment leaving and entering the site are going to be the main source of noise, which should be minimal compared to the noise generated by highway traffic on SR 25 and I-65.
 - d. Hours of operation: 7:00am to 4:00pm with emergency work occasionally on Saturday. The previous business onsite had vehicles arriving and leaving 24 hours per day and was open for business on Saturday. Petitioner's hours of operation will be less intense and more compatible with nearby residences.

STAFF RECOMMENDATION:

Approval, with the following conditions:

1. No outdoor storage of materials or equipment is allowed.
2. Deliveries can only be made between the hours of 7:00am and 4:00pm.
3. A new updated site plan must be submitted delineating the required parking and removing the building(s) that no longer exist.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.